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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,380	01/18/2002	Johann Lahr	56/368	6998

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EXAMINER

GUADALUPE, YARITZA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,380

Applicant(s)

LAHR, JOHANN

Examiner

Yaritza Guadalupe

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 7 and 9 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 7 and 11 refer to “said stop at said base being defined by a second screw projecting into an opening ...”. This limitation is confusing because it is not clear to which stop is particularly referring. Is it the first stop or the second stop? Appropriate correction is required.

Claims 9, 10 and 12 are rejected due to their dependency on claims 6, 7 and 11.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Dangschat (US 4,660,288).

Dangschat discloses a device comprising a rotor that rotates about an axis of rotation, a scanning unit spaced from said rotor and attached to a stator, a base and a coupling connected to said base and said stator so that a connection between the base and the stator results and for permitting radial and axial compensating movements of said stator with respect to the base and said axis of rotation (See Columns 3 and 4, lines 16 – 68 and 1 – 28 respectively). Dangschat further discloses the use of a first and a second stop (13, 14) in order to limit the radial and axial compensating movements.

5. Claims 1 - 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Feichtinger et al. (US 5,758,427).

Feichtinger et al. discloses a measuring device comprising a rotor / shaft (4 / 5) that rotates about an axis of rotation, a scanning unit (41) spaced from said rotor and attached to a stator (3, 10), a base and a coupling (2) connected to said base and said stator so that a torsion proof connection (See Column 3, lines 47 – 61) between the base and the stator results and for permitting radial and axial compensating movements of said stator with respect to the base and said axis of rotation, said coupling produced in one piece as a punched and bent element and being fastened by screws (See Column 4, lines 9 – 15).

Feichtinger further discloses a first and second stops to limit the radial and axial movements being defined at least in part by a first and a second screw (See for example 18a.1) projecting into an opening of the stator and / or base, and also discloses projecting strips (19) wherein a coupling is screwed.

6. Claims 1 are rejected under 35 U.S.C. 102 (e) as being anticipated by Brandl et al. (US 6,311,577).

Brandl et al. discloses an apparatus comprising a rotor (4) that rotates about an axis of rotation, a scanning unit (See Column 2, line 52) spaced from said rotor and attached to a stator (2), a base and a coupling (3) connected to said base and said stator so that a torsion proof connection between the base and the stator results and for permitting radial and axial compensating movements of said stator with respect to the base and said axis of rotation. Brandl et al. further discloses a first and second stops (10, 11) to limit the radial and axial movements.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tandorf et al. (US 6,470,577) discloses an angle measuring system comprising a body (4) and stator fastened in a torsion proof manner (See Column 3, lines 65 – 67). Jacobsen et al. (US 6,170,162) discloses a rotary displacement system comprising a rotor (8), a base (32), a scanning unit (16), and a coupling (20). Pullen (US 4,989,329) discloses a rotary displacement transducer comprising stop means / preventing means being a projection extending radially of a threaded member / screw (See Column 4, lines 1 – 4).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (703)305 -5676. The examiner can normally be reached on 9:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



CHRISTOPHER W. FULTON
PRIMARY EXAMINER

Yaritza Guadalupe
Patent Examiner
Art Unit 2859
January 16, 2003

DIEGO F.F. GUTIERREZ
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